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Texas Grace Communications  
P.O. Box 398  
Wichita Falls, TX 76307  
(914) 352-9087

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JUL 8 1999  
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July 5, 1999

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th St. SW  
Room TW-B204  
Washington, D.C. 20554

Re: Submission by  
Texas Grace Communications  
of two (2) separate pleadings  
in Allocations Proceeding on  
proposed service at Tipton, OK,  
RM-9423, MM Docket 99-23

Dear Ms. Salas,

Please find enclosed two (2) separate pleadings from Texas Grace Communications for immediate direction to the Allocations Branch proceeding, RM-9423, under MM Docket No. 99-23, on the matter of proposed aural service at Tipton, Oklahoma.

The attached (2) separate pleadings are titled:

***"DECLARATION TO FCC OF COMMISSION OF PERJURY BY PAUL REYNOLDS  
IN THIS PROCEEDING"***

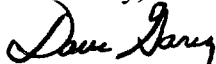
and

***"MOTION FOR ACCEPTANCE BY FCC OF PLEADING ENTITLED,  
DECLARATION TO FCC OF COMMISSION OF PERJURY BY PAUL REYNOLDS  
IN THIS PROCEEDING"***

Please note that these two (2) separate pleadings are each accompanied by four copies, in addition to the signed originals.

Feel free to contact the undersigned, or legal counsel of record John Trent, at (703) 437-8400, if there are any questions regarding this submission. The Secretary's courtesy in processing the enclosed pleadings is gratefully appreciated.

Sincerely,



Dave Garey  
Proprietor, Texas Grace Communications

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List A B C D E

Enclosures: (2) Signed Original Separate Pleadings, plus 4 copies of each

No. of Copies rec'd 04  
List A B C D E

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 99-23
Table of Allotments	)	
FM Broadcast Stations	)	RM - 9423
(Tipton, Oklahoma)	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**DECLARATION TO FCC OF  
COMMISSION OF PERJURY BY PAUL REYNOLDS  
IN THIS PROCEEDING**

Texas Grace Communications ("Texas Grace"), proprietor of station KRZB (FM) licensed to Archer City, Texas, hereby respectfully submits the following Declaration to the FCC that a perjurious statement has been made in this proceeding against Texas Grace Communications' individual proprietor, in the vicious, defamatory filing made by Paul Reynolds dated (by notary) June 8, 1999. In support thereof, Texas Grace states as follows:

**Identification of Perjury Committed by Paul Reynolds**

In Reynolds' FCC filing, ostensibly to refute the Essential Supplemental Comments pleading by Texas Grace (a filing which became necessary after it was discovered that Paul Reynolds had concealed clear, demonstrable involvement with the Tipton, OK allocation petition forming the basis for this proceeding), Reynolds transmits the blatantly perjurious statement that Texas Grace's proprietor allegedly told Reynolds, "*you have given me no choice, I will destroy you*".

There is absolutely no basis in truth to this purely fraudulent, libelous claim by Reynolds, as no such statement was ever made to him by the undersigned.

In addition to the above-cited perjury, Reynolds further expounds upon this egregious lie with the false claim that Texas Grace allegedly also encompassed attorney Mark Lipp (Reynolds' legal-filing partner at the outset of this proceeding) within this never-made statement.

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Please let me assure the Commission for the record, that I, Dave Garey, Texas Grace proprietor, never made the falsely alleged statement to Paul Reynolds, and have never threatened to “destroy” Reynolds or Lipp. The false testimony by Reynolds that I allegedly did utter such statement amounts to pure commission of perjury within this proceeding.

**In Reality, Texas Grace Protested to Reynolds What Texas Grace Believes to be Clear, Predatory Effort By Reynolds to Destroy Texas Grace’s Service Plan—so as to Generate Spectrum Necessary to Facilitate Reynolds’ Lucrative DFW Area Co-Channel Move-In—and Simply Informed Reynolds That His Actions Would be Brought to the Attention of Allocations Chief John Karousos.**

After learning that Reynolds’ name was the sole name on the “blind” postal box serving as the only contact address of the Tipton petitioner, Texas Grace initiated contact with Reynolds on 4/16/99.

Since the Tipton drop-in obstructed the service plan of Texas Grace’s KRZB facility, Texas Grace called Reynolds to inquire about his heretofore concealed involvement with the Tipton petition; and to find out if the alleged petitioner “Ellinor Nelson” was available for conference. Texas Grace understood such contact to be encouraged by the Commission, as a means for parties involved in spectrum conflict to attempt to resolve problems directly.

From talking with Reynolds, however, “Ellinor Nelson” appeared to be the equivalent of a “shill” in the Tipton enterprise, seemingly serving under Reynolds’ supervision, with any accessibility to her controlled by Reynolds.

Reynolds’ response to Texas Grace, when asked for the phone number of Ellinor Nelson on 4/16/99, was, quote, “She’s not gonna talk to you”. After Texas Grace told Reynolds that a listing for “Ellinor Nelson” could not be found over the Internet telephone directory, Reynolds’ response was, quote, “Well, that’s tough”. With regard to Reynolds’ refusal to provide a phone number on Ellinor Nelson, I told him, quote, “Either we’re gonna find her voluntarily with you, or we’re gonna find her through John Karousos”.

I told Reynolds during the 4/16/99 call, quote, “I can appreciate you being zealous for a client (i.e., the KLAQ Dallas-Fort Worth area move-in interest of Reynolds and Lipp, also referred to as First Broadcasting), but I never did you any wrong, and you shouldn’t be doing me wrong.” As relinquishment of KRZB’s 97.5 frequency/service plan is *essential* for Reynolds and Lipp to

accomplish their lucrative DFW area co-channel move-in, I made Reynolds aware effective 4/16/99 that his heretofore concealed involvement (through "blind" postal box, anonymous engineering submission, etc.) in the obstructionist Tipton drop-in--which now rendered KRZB's planned facility on the 97.5 frequency impossible--would need to be brought to the attention of the Allocations Chief for resolution.

Texas Grace's preference, however, was to allow Reynolds to resolve the situation voluntarily. To this end, I personally invited Reynolds on 4/16/99 to submit a channel-change proposal he claimed to have devised, which would reportedly allow KRZB to maintain its intended service plan, while accommodating Reynolds' DFW move-in interest, to Texas Grace's attorney, John Trent.

No such proposal was received by Trent by 4/26/99, when Reynolds next initiated contact with me. In this conversation, Reynolds identified Ellinor Nelson as, quote, "one of my wife's dearest friends", and stated that, quote, "I will let her call you tomorrow night". By his own words, Reynolds still appeared to maintain control and supervision of the Tipton petition. Despite the seeming charade, I nonetheless expressed interest in receiving telephone contact from Nelson (the call never materialized).

The idea that a "dear friend" of Reynolds, right from his hometown of Greenville, Alabama, would just happen on her own to drop in a channel obstructive to KRZB, right at the effective date when KRZB was first allowed to specify its new community of license and facilities site on a Form 301 Application, blocking KRZB's service plan on the 97.5 frequency/channel 248---relinquishment of which is essential for accommodating Reynolds' lucrative DFW area project---seems more improbable than the odds of winning a lotto drawing. Certainly, it fails to pass the "smell test".

I again requested during the 4/26/99 call from Reynolds that he provide his supposed channel resolution plan to Texas Grace counsel, John Trent. Reynolds responded that he would need to, quote, "check with Lipp", before releasing any proposal. Prior to termination of the conversation, I protested to Reynolds what I consider to be clear, predatory effort by Reynolds "to destroy my business".

It is most unfortunate that Reynolds would take matter-of-fact advisement that this situation would obviously need to be brought before the Allocations Chief--within viable FCC proceeding

intended to resolve spectrum conflict--and fabricate the untrue, perjurious statement that I allegedly threatened to "destroy" him.

**Reynolds Has Clearly Tried to Damage the Reputation of Texas Grace's Owner By Commission of Perjury Within This Proceeding; If Reynolds Fails to Make Retraction, the FCC is Asked to Address His Commission of Perjury With Institution of Procedure Leading to Prosecution.**

Reynolds perjures himself in a reprehensible effort to cast attention away from what clearly appears to be his own deceptive practice and conduct connected to the Tipton drop-in, as fully documented. By commission of such perjury, Reynolds is deliberately attempting to damage the reputation of Texas Grace and its principal Dave Garey---an innocent owner of a singular broadcast station who correctly brought valid, new information of vital decisional significance to the attention of the Allocations Chief through this proceeding. (Among such vital information, as noted, was Reynolds' apparent pattern of concealing his involvement with the proposed Tipton allocation, even within FCC filing, along with documented effort by Reynolds, Lipp, and their DFW move-in interest to coerce Texas Grace to abandon 97.5 frequency service for KRZB).

Federal Rules of Procedure clearly prohibit the commission of perjury by any participant in a proceeding such as this one. The perjurious statement made by Reynolds against Texas Grace must either be immediately retracted by Reynolds, or, in the alternative, Allocations Chief John Karousos is respectfully asked to involve the General Counsel of the Commission in instituting procedures which will ensure prosecution for commission of perjury under the fullest extent of Federal law.

It is Texas Grace's hope that Reynolds will appropriately retract his perjurious statement as a mistake, and, that all sides will be able to realize a workable solution.

Respectfully Submitted,

Texas Grace Communications



Dave Garey, Proprietor

July 5, 1999

## **CERTIFICATION**

I, Dave Garey, proprietor of Texas Grace Communications, and permittee of KRZB (FM) licensed to Archer City, Texas, do hereby verify that the statements contained in the instant document are true and correct to the best of my knowledge and belief. John Trent remains legal counsel of record for Texas Grace Communications within this proceeding, and it is therefore respectfully requested that he be simultaneously served by the Commission or other interested parties with all relevant procedural documents. However, the filing herein is made directly by Texas Grace's proprietor.

Respectfully Submitted By:

Texas Grace Communications

A handwritten signature in cursive script, appearing to read "Dave Garey", is written over a horizontal line.

Dave Garey, Proprietor

July 5, 1999

Dave Garey  
Texas Grace Communications  
20 Samlaw Drive  
Monsey, NY 10952

cc:

John Trent  
Putbrese, Hunsaker & Trent  
100 Carpenter Drive, Suite 100  
Sterling, VA 20167

(703) 437-8400

## **CERTIFICATE OF SERVICE**

I, Dave Garey, do hereby certify that I have, on July 5, 1999, sent by First Class U.S. Mail, postage prepaid, the forgoing **DECLARATION TO FCC OF COMMISSION OF PERJURY BY PAUL REYNOLDS IN THIS PROCEEDING** to the following:

Ms. Leslie K. Shapiro  
Allocations Branch  
Federal Communications Commission  
445 12th St., SW  
Room 3-A 360  
Washington, DC 20554

WBAP/KSCS Operating, Ltd. and Blue Bonnet Radio, Inc./Mark N. Lipp  
Shook, Hardy & Bacon, LLP  
600 14th Street, NW, Suite 800  
Washington, DC 20005

Paul Reynolds  
415 North College Street  
Greenville, AL 36037

Ellinor Nelson  
Good Government Radio  
P.O. Box 478  
Gonzalez, FL 32560

John Trent, Esq.  
Putbrese Hunsaker & Trent  
100 Carpenter Drive, Suite 100  
Sterling, VA 20167

  
\_\_\_\_\_  
Dave Garey